

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/631,936 Confirmation No. 9680  
Applicant : Michael James McDermott et al.  
Filed : July 31, 2003  
TC/A.U. : 2155  
Examiner : Thuong Nguyen  
Docket No. : ROC920030138US1

TERMINAL DISCLAIMER

MAIL STOP – AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
ATTN: Examiner Thuong Nguyen

Dear Examiner:

The following Terminal Disclaimer is being submitted with Applicant's response to the Final Office Action dated June 15, 2006 in connection with the above-identified application.

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA

22313-1450 and/or facsimile transmitted to the U.S. Patent and Trademark Office on the date

August 9, 2006 By: Karen Taragowski

Signature: Karen Taragowski  
Applicant, Assignee, or Representative

## TERMINAL DISCLAIMER

Your petitioner, INTERNATIONAL BUSINESS MACHINES CORPORATION, having its principal place of business at New Orchard Road, Armonk, New York, represents that it is the assignee of the entire right, title, and interest in and to the above-identified application and invention covered thereby as established by the assignment recorded at Reel 014353, Frame 0663. The assignment documents have been reviewed and INTERNATIONAL BUSINESS MACHINES CORPORATION certifies that to the best of its knowledge and belief, title to the above-identified application is in the name of INTERNATIONAL BUSINESS MACHINES CORPORATION. (37 C.F.R. § 3.73(b))

INTERNATIONAL BUSINESS MACHINES CORPORATION hereby disclaims the terminal part of any patent granted on the above-identified application that would extend beyond the date of the full statutory term for U.S. Application No. 09/915,907, filed on July 26, 2001 to Gordon et al. INTERNATIONAL BUSINESS MACHINES CORPORATION hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be held by the same entity holding the legal title to U.S. Application No. 09/915,907, filed on July 26, 2001 to Gordon et al. This agreement is to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors, and assigns.

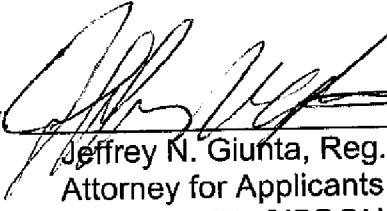
INTERNATIONAL BUSINESS MACHINES CORPORATION does not disclaim the terminal part of any patent granted on the above-identified application that would extend to the expiration date of the full statutory term of U.S. Application No. 09/915,907, filed on July 26, 2001 to Gordon et al., in the event that U.S. Application No. 09/915,907 later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321(a), has all claims canceled by a reexamination certificate, is reissued, or is otherwise terminated prior to expiration of its full statutory term.

I hereby aver that I have the authority of INTERNATIONAL BUSINESS MACHINES CORPORATION to make all statements, representations, and agreements set forth herein and that I am empowered to sign this document on behalf of INTERNATIONAL BUSINESS MACHINES CORPORATION. I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,

Date: August 8, 2006

By

  
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